

O. MATTHEWS K39692 FAC-1 3/3164(Name) 480 ALTA RD.P.O. Box 799001

(Address)

San Diego, CA. 92179

(City, State, Zip)

K39692

(CDC Inmate No.)

FILED

JAN - 2 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KM DEPUTY**United States District Court
Southern District of California**OLIVER MATTHEWS JR.

(Enter full name of plaintiff in this action.)

Plaintiff,

v.
BOARD OF PAROLE HEARINGS
STATE OF CALIFORNIA
Hearings Officer: K. BAKER

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 0011 JLS PCL

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint under the
Civil Rights Act
42 U.S.C. § 1983**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, OLIVER MATTHEWS
(print Plaintiff's name)K39692, who presently resides at RICHARD J. DONOVAN
(mailing address or place of confinement)Department of Corrections and Rehabilitation, were violated by the actions
of the below named individuals. The actions were directed against Plaintiff at RICHARDJ. DONOVAN Department of Corrections On (dates) 10-19-2007, 10-19-2007, and 10-19-2007
(institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant K. BAKER (name) resides in San Diego, CA (County of residence)
 and is employed as a Deputy Commissioner (defendant's position/title (if any)). This defendant is sued in
 his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: inconsistent/incompatible with employment.
Using prestige/influence of the state Department of Corrections
for private gain or advantage of an illegal nature.

Defendant _____ (name) resides in _____ (County of residence)
 and is employed as a _____ (defendant's position/title (if any)). This defendant is sued in
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ (name) resides in _____ (County of residence)
 and is employed as a _____ (defendant's position/title (if any)). This defendant is sued in
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ (name) resides in _____ (County of residence)
 and is employed as a _____ (defendant's position/title (if any)). This defendant is sued in
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Due Process
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

Deputy Commissioner K. BAKER on 10-19-2007
did demonstrate a preformed/prejudged
demeanor in the exercise's of my (MATTHEWS
K39692) Board of Prison Hearing of charge 1: (225)
Robbery and Charge 2: Battery on spouse. D.C. K. BA
KER displayed threatening and biased material in
his decision making through infringements of
statements of all testimonies- preforming/prej-
udging and prejudice's which are deleting the
true facts of the situation and the weightier
parts of truth which are clearly mis-han-
dled and contains defamatory, intentionally false,
intentionally inaccurate, abusive, harassing, and
discriminatory material. In his statement of "basis
for conclusion" he has fabricated the officer's
testimony in say that officer VASQUEZ ^{Backe No.} 4193
testified that he'd responded to a "fight". Officer
Vasquez's testimony is even recorded that there
was no activity on his arrival and that witness-
es even told him that they'd seen nothing. Victim
Belinda M. Williams stated as well in her testim-
ony that we were talking and she hadn't made
any of the comment's stated on the report.
(SEE ATTACHED SHEET)

Count 2: The following civil right has been violated: Free Speech & Freedom
 (E.g., right to medical care, access to courts,
from/of association
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
 etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

On 10-19-2007 when asked about what happened by D.C. K. BAKER. I prisoner MATT-HEWS K39692 began to respond in testimony of what has been happening with my girlfriend and I concerning her sickness as a diabetic and how that sometimes she may become unbalanced in communications and become angry out of the ordinary circumstances and even say things that are bothering her but doesn't have anything to do with the present situation at hand. D.C. K. BAKER would not even allow me to give credible statement in testimony of what [REDACTED] happened. He then fabricated that issue in his conclusion and called it basis of Battery on Spouse. This is a clear demonstration of violating my civility to speak and be counted in the objectivity of innocence, and association.

Count 3: The following civil right has been violated: freedom from cruel and unusual punishment
 (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

On 10-19-2007 D.C. BAKER also not only dis-allowed testimonies to carry weight in objectivity; but also never presented any evidence of support to the police report; but are using this pre-judgement unto basing a decision not to allow me (prisoner MATTHEW K39692) to continue my parole; which are as reported in full compliance with the parole agents report. D.C. BAKER has obviously demonstrated cruel distinctions between truth and civility of rights given for person's whom innocence are clearly of the correspondence to obtain such supportive agenda; but has also as demonstrated unusual judgement and punishment that if investigated in it's proper nature-not out of prejudice or discriminating motive the court shall find an innocent man whom has been denied treatment of dignity and respect.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

(SEE ATTACHED SHEET)

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): to cease of any harassments / Discriminations / Reprisal / Retaliation / Invasion of Privacy or any such enactments violating human rights, or Civil Rights to due processes of law.
2. Damages in the sum of \$ _____.
3. Punitive damages in the sum of \$ 200,000.
4. Other: Pain and Suffering in the sum of \$ 70,000

F. Demand for Jury Trial

Plaintiff demands a trial by ☐ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

12-20-2007
Date

Olin M. [Signature]
Signature of Plaintiff

STATE OF CALIFORNIA
CHARGE SHEET/REVOCATION TRACKING/SCHEDULING REQUEST
CDC 1676 (4/91)

REPORT TO: ☒ BOARD OF PRISON TERMS
☐ NARCOTIC ADDICT EVALUATION AUTHORITY

DISTRIBUTION: DEPARTMENT OF CORRECTIONS
ORIGINAL - BOARD REPORT
1ST COPY - R.H.C.
2ND COPY - H.A.
3RD COPY - PAROLEE
4TH COPY - U.S.

CDC NUMBER K39692	NAME (LAST, FIRST, MI) MATTHEWS, OLIVER	NAME BOOKED AS SAME	REGION/UNIT V CV III	CSTCU - ST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ARREST DATE 09-19-07	ARRESTING AGENCY SDPD	BPT REFERRALS <input type="checkbox"/> MANDATORY <input checked="" type="checkbox"/> NON-MANDATORY	BOOKING NUMBER AND/OR LOCATION 7770766/ SDCJ	
ARREST CODE B	* ARREST CODES: A P&CSD STAFF ALONE AB P&CSD ASSISTED BY LAW ENFORCEMENT AGENCY D LAW ENFORCEMENT AGENCY ALONE LAW ENFORCEMENT AGENCY WITH INFORMATION FROM P&CSD			
HOLD DATE 09-20-07	DISCOVERY DATE 09-20-07	HOLD REMOVED DATE INTACT	AGENT OF RECORD A KEMP	CONTROLLING DISCHARGE DATE 12-02-07
DISCHARGE REVIEW DATE 12-02-07		IMMINENT DISCHARGE <input type="checkbox"/>		
CHARGES AND CODES 1. ROBBERY (225) 2. BATTERY ON SPOUSE (455) 3. 4. 5. 6. <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> PAROLEE COPY CalPAP </div>				
REASON FOR RETAINING PAROLE HOLD. PAROLEE DANGER TO: <input type="checkbox"/> ABSCOND <input type="checkbox"/> SELF <input type="checkbox"/> PROPERTY-OTHERS <input checked="" type="checkbox"/> SAFETY-OTHERS			DATE COPY SENT TO PAROLEE INITIALS OF PERSON SENDING	

On 09-19-07, at approximately 2050 hours Officer Borjas #5570 and Vasquez #4193 responded to call regarding a male and a female fighting in the middle of the street at the intersection of 18th Avenue and Broadway. Officer Vasquez spoke to the victim Belinda Williams.

Miss Williams told Officer Vasquez that she has known Matthews for approximately 8 months and lived together for approximately 2 months. They are now friends. Miss Williams said that she agreed on helping Matthews with some food and gas. Matthews demanded for half of the one hundred dollars that Miss Williams had after purchasing the food and gas. Matthews became angry and she exited the vehicle for feared of safety. Matthews then followed her and snatched her purse and hand bag from her hand. Miss Williams attempted to get her purse back as Matthews was walking back to his vehicle. Matthews then grabbed her by the neck and pushed her to the ground. Matthews dropped the handbag on the street and attempted to drive away. Miss Williams got back into the vehicle and she was pushed out of his car. She sustained an abrasion to her knee and a swollen lip.

Photos were taken and kept in the control property room under tag # 030942.

Matthews was arrested on-site and booked in the county.

CASE CONFERENCE: Agent Dominguez spoke to T. Schulte PA III about this arrest. A return to custody is recommended.

COURT INFORMATION: No pending data at this time.

WITNESSES: See CDC 1654.

ATTACHMENTS: SDPD report dated 09-20-07.

PAROLEE'S NAME MATTHEWS, OLIVER	CDC NUMBER K39692
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FROM 618-233-4206

(WED) SEP 26 2007 8:50/ST. 8:44/No. 7500000487 P 8

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 07090041690	
Page 7 of 8				Case Number 07056055	
Code Section And Description (one incident only) 211 / PC / ROBBERY			Date 09/19/2007	Day of Week WED	Time 20:50
Location Of Incident (Or Address) 1000 08TH AV			City	District	Beat
Person(s) Involved: Victim Williams, Belinda Michelle					
Suspect (If Named) Matthews, Oliver Jr					
Property Tag No.(s) 030842					

SYNOPSIS:

Oliver Matthews snatched Belinda Williams' purse and handbag away from her grasp and then pushed her down on the ground when she attempted to retrieve her listed property.

ORIGIN:

Officer Borjas #5570 and I were dispatched to 8th AV. and Broadway regarding a report of a male and a female who were fighting in the middle of the street.

INVESTIGATION:

Prior to our arrival Officer Lopez #5892 and Officer Gilmore #5919 were flagged down by Williams at 1000 8th AV. Williams advised Officer Lopez and Officer Gilmore that Matthews had just assaulted her. Officer Lopez and Officer Gilmore subsequently detained Matthews until Officer Borjas arrived on scene and took custody of him.

BACKGROUND:

Williams said she met Mathews approximately 8 months ago while they were attending a drug rehab program. Williams said she and Matthews lived together for approximately 2 months during the 8 months they were dating. Williams said she and Matthews separated about 2 weeks ago however they have remained friends.

STATEMENT (S):

Upon my arrival I spoke with Williams. Williams told me this evening Matthews called her and asked her if she could help him with purchasing some food and gas for his car. Williams said she agreed and Matthews picked her up in his car. Williams told me at the intersection of 8th AV. and Broadway Matthews began asking her for half of the hundred dollars that she had left from the food and gas that she had just purchased. Williams said when she refused Matthews became angry and demanded that she give him some money. Williams said she subsequently feared for her safety and got out of Matthews' vehicle with her purse and handbag. Williams said as she was walking to the sidewalk Matthews had gotten out of his car and then suddenly snatched her purse and handbag away from her left hand. Williams told me she then attempted to grab her purse and handbag away from Matthews as he was walking back to his vehicle however he grabbed her by her neck and pushed her down on the street. Williams said she began yelling for help and asking someone to call the police. Williams told me Matthews dropped her purse and

Reporting Officer VASQUEZ	ID # 4193	Division C2	Approved By	Date of Report 09/20/2007	Time 00:04
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Continued Y

FROM 619-239-4206

(WED) SEP 26 2007 8:50/ST. 8:44/No. 7500000467 P 9

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 07090041690	
Page 8 of 8				Case Number 07056055	
Code Section And Description (one incident only) 211 / PC / ROBBERY			Date 09/19/2007	Day of Week WED	Time 20:50
Location Of Incident (Or Address) 1000 08TH AV			City	District	Beat
Person(s) Involved: Victim Williams, Belinda Michelle					
Suspect (If Named) Matthews, Oliver Jr					
Property Tag No.(s) 030842					

3# handbag on the ground and then attempted to drive away in his vehicle. Williams said to prevent Matthews from driving away she got into the passenger seat of his vehicle and attempted to turn his car off. Williams said Matthews pushed her out of his car however she was able to flag down a Police Officer who was driving by in his patrol car.

EVIDENCE:

A/Sgt. Butchart #5153 responded to the scene and took 5 digital photographs of Williams and her injuries. A/Sgt. Butchart impounded the photo disk in Central's Property room on tag #030842.

INJURIES:

Williams sustained an abrasion on her left knee when Matthews pushed her down on the street and a swollen lip when he pushed her out of his vehicle.

PROPERTY DAMAGE:

None

FOLLOW-UP:

None

RELATED REPORTS:

See Officer Borjas' report for Matthews' statement.

Reporting Officer VASQUEZ	ID # 4193	Division C2	Approved By	Date of Report 09/20/2007	Time 00:04
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Continued Y

FROM 619-233-4206

(WED) SEP 26 2007 8:49/ST. 8:44/No. 7500000487 P 6

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 07090041690	
Page 5 of 8				Case Number 07056055	
Code Section And Description (one incident only) 211 / PC / ROBBERY			Date 09/19/2007	Day of Week WED	Time 20:50
Location Of Incident (Or Address) 1000 08TH AV			City	District	Beat
Person(s) Involved: Victim Williams, Belinda Michelle					
Suspect (If Named) Matthews, Oliver Jr					
Property Tag No.(s) 030842					

DESCRIBE ALL EVIDENCE AND DISPOSITION

Digital photo disk impounded in Central's Property room on tag #030842.

WITNESSESWERE WITNESSES PRESENT DURING DOMESTIC VIOLENCE? **NO**IS WITNESS INFO LISTED ON ARJIS FORMS? **NO**WERE STATEMENT (s) TAKEN? **NO****WITNESS / CHILDREN**WERE CHILDREN PRESENT DURING DOMESTIC VIOLENCE? **NO**STATEMENT(s) TAKEN? **NO**

ALL Children Present: (more than three list in narrative)

1. Name, Age, and DOB	2. Name, Age, and DOB	3. Name, Age, and DOB
<input type="checkbox"/> Apologetic <input type="checkbox"/> Afraid <input type="checkbox"/> Threatening <input type="checkbox"/> Calm <input type="checkbox"/> Calm down <input type="checkbox"/> Irrational <input type="checkbox"/> Tearful/Crying <input type="checkbox"/> Upset <input type="checkbox"/> Hysterical <input type="checkbox"/> Angry <input type="checkbox"/> Nervous <input type="checkbox"/> Other: Explain	<input type="checkbox"/> Apologetic <input type="checkbox"/> Afraid <input type="checkbox"/> Threatening <input type="checkbox"/> Calm <input type="checkbox"/> Calm down <input type="checkbox"/> Irrational <input type="checkbox"/> Tearful/Crying <input type="checkbox"/> Upset <input type="checkbox"/> Hysterical <input type="checkbox"/> Angry <input type="checkbox"/> Nervous <input type="checkbox"/> Other: Explain	<input type="checkbox"/> Apologetic <input type="checkbox"/> Afraid <input type="checkbox"/> Threatening <input type="checkbox"/> Calm <input type="checkbox"/> Calm down <input type="checkbox"/> Irrational <input type="checkbox"/> Tearful/Crying <input type="checkbox"/> Upset <input type="checkbox"/> Hysterical <input type="checkbox"/> Angry <input type="checkbox"/> Nervous <input type="checkbox"/> Other: Explain

RESTRAINING ORDERS:**NO** **CURRENT or EXPIRED**

TYPE: N/A

ISSUING COURT:

ORDER/DOCKET NUMBER:

VICTIM GIVEN:☐ DOMESTIC VIOLENCE INFORMATION SHEET (PD-964)☐ SDPD CRIME CASE NUMBER☐ DOMESTIC VIOLENCE UNIT PHONE NUMBER

MEDICAL RECORDS WAIVER FORM SIGNED?

YES If no, reason why?VICTIM WILL BE AT A TEMPORARY ADDRESS? **NO**

Reporting Officer VASQUEZ	ID # 4193	Division C2	Approved By	Date of Report 09/20/2007	Time 00:04
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Continued Y

FROM 619-233-4206

(WED) SEP 26 2007 8:49/ST. 8:44/NO. 750000487 P 5

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 07090041690	
Page 4 of 8		Case Number 07056055			
Code Section And Description (one incident only) 211 / PC / ROBBERY		Date 09/19/2007	Day of Week WED	Time 20:50	
Location Of Incident (Or Address) 1000 8TH AV		City		District	Beat
Person(s) Involved: Victim Williams, Belinda Michelle					
Suspect (If Named) Matthews, Oliver Jr					
Property Tag No.(s) 030842					

MEDICAL TREATMENT

<input type="checkbox"/> NONE	PARAMEDICS AT SCENE:	HOSPITAL:
<input type="checkbox"/> WILL SEEK OWN DOCTOR	NO	
<input type="checkbox"/> FIRST AID	UNIT NUMBER	ATTENDING PHYSICIAN(S):
<input type="checkbox"/> PARAMEDICS		
<input type="checkbox"/> HOSPITAL	PARAMEDICS NAMES	
<input checked="" type="checkbox"/> REFUSED MEDICAL AID	(Medic Names & Id)	

RELATIONSHIP BETWEEN VICTIM AND SUSPECT

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> FORMER SPOUSE	LENGTH OF RELATIONSHIP
<input type="checkbox"/> COHABITANTS	<input checked="" type="checkbox"/> FORMER COHABITANTS	
<input type="checkbox"/> ENGAGED	<input type="checkbox"/> FORMER DATING	YEAR (S) 8 MONTH (S)
<input type="checkbox"/> SAME SEX	<input type="checkbox"/> EMANCIPATED MINOR	IF APPLICABLE,
<input type="checkbox"/> DATING	<input type="checkbox"/> PARENTS OF CHILD	DATE RELATIONSHIP ENDED:
	FROM RELATIONSHIP	

PRIOR HISTORY OF DOMESTIC VIOLENCE UNDOCUMENTED? NO

PRIOR HISTORY OF VIOLENCE DOCUMENTED? NO

☐ MINOR ☐ SERIOUS

NUMBER OF PRIOR INCIDENTS:

CASE NUMBER(S)

INVESTIGATING AGENCY:

EVIDENCE COLLECTED

(DESCRIBE ALL PHOTOGRAPHS)

PHOTOS: YES — If NO, Why? — 1 photo of victim and 4 photos of her injuries.

FROM: 1000 8th AV.

Number: 5

TYPE: ☒ 35mm ☐ Polaroid

TAKEN BY: A. Butchart #5153

☐ Other:

Photo's of victim's injuries: YES

Photo's of suspect's injuries: NO

Weapon used during incident: NO

Photo's of property damage: NO

Type of weapon used:

Weapon(s) impounded: NO

Firearm(s) impounded for safety: NO

PROPERTY TAG NUMBER (S):

Reporting Officer VASQUEZ	ID # 4193	Division C2	Approved By	Date of Report 09/20/2007	Time 00:04
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Continued Y

FROM 618-233-4206

(WED) SEP 26 2007 8:48/ST. 8:44/No. 7500000487 P 4

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 07090041690	
Page 3 of 8				Case Number 07056055	
Code Section And Description (one incident only) 211 / PC / ROBBERY		Date 09/19/2007		Day of Week WED	Time 20:50
Location Of Incident (Or Address) 1000 08TH AV			City	District	Beat
Person(s) Involved: Victim Williams, Belinda Michelle					
Suspect (If Named) Matthews, Oliver Jr					
Property Tag No.(s) 030842					

SAN DIEGO POLICE DEPARTMENT DOMESTIC VIOLENCE SUPPLEMENTAL

Use Arrows or Tab key to Navigate and Space Bar or Point and Click to Select.

SUSPECT			
<input type="checkbox"/> ANGRY	<input type="checkbox"/> COMPLAINT OF PAIN	<input checked="" type="checkbox"/> ANGRY	<input type="checkbox"/> COMPLAINT OF PAIN
<input type="checkbox"/> APOLOGETIC	<input type="checkbox"/> BRUISE (S)	<input type="checkbox"/> APOLOGETIC	<input type="checkbox"/> BRUISE (S)
<input type="checkbox"/> CRYING	<input checked="" type="checkbox"/> ABRASION (S)	<input type="checkbox"/> CRYING	<input type="checkbox"/> ABRASION (S)
<input checked="" type="checkbox"/> FEARFUL	<input type="checkbox"/> MINOR CUT (S)	<input type="checkbox"/> FEARFUL	<input type="checkbox"/> MINOR CUT (S)
<input type="checkbox"/> HYSTERICAL	<input type="checkbox"/> LACERATION (S)	<input type="checkbox"/> HYSTERICAL	<input type="checkbox"/> LACERATION (S)
<input type="checkbox"/> CALM	<input type="checkbox"/> CONCUSSION (S)	<input type="checkbox"/> CALM	<input type="checkbox"/> CONCUSSION (S)
<input type="checkbox"/> IRRATIONAL	<input type="checkbox"/> OTHER: EXPLAIN	<input checked="" type="checkbox"/> IRRATIONAL	<input type="checkbox"/> OTHER: EXPLAIN
<input checked="" type="checkbox"/> NERVOUS	<input type="checkbox"/> Under the Influence:	<input type="checkbox"/> NERVOUS	<input type="checkbox"/> Under the Influence:
<input type="checkbox"/> THREATENING	Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/>	<input checked="" type="checkbox"/> THREATENING	Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/>
<input type="checkbox"/> OTHER: EXPLAIN		<input type="checkbox"/> OTHER: EXPLAIN	
ALWAYS explain OPPOSITES in narrative.		ALWAYS explain OPPOSITES in narrative.	

DESCRIBE ALL CONDITIONS OBSERVED

PHYSICAL: Belinda Williams sustained a swollen lower lip and an abrasion on her left knee.

EMOTIONAL: Williams told me she was upset over the incident and fearful of Oliver Matthews' violent behavior.

**CRIME
SCENE:** The incident occurred on 1000 8th AV. in the middle of the street.

Reporting Officer VASQUEZ	ID # 4193	Division C2	Approved By	Date of Report 09/20/2007	Time 00:04
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Continued Y

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

PAROLEE – ATTORNEY DECISION FORM
BPT 1104(b)ASSESSMENT OFFER OF: 10 months **INELIGIBLE** **ELIGIBLE** (circle one)

- ☐ **NOTICE ACKNOWLEDGEMENT:** I have gotten and understand(or had explained to me) all necessary documents except the following (indicate form name and description or indicate "N/A" if you got everything): _____

Select one of the five following options:

- ☐ **1. ACCEPT:** I accept the return to custody order (assessment offer) and unconditionally give up my rights to contest the charges against me or have a probable cause or full revocation hearing. I also agree to any and all special conditions of parole imposed on me by the Board of Prison Terms.
- ☐ **2. OPTIONAL WAIVER:** I accept the assessment offer and optionally give up my right to a hearing (probable cause and full revocation) at this time because local charges have been filed. I may choose to have a hearing later (within 15 days of the end of local proceedings).
- ☐ **3. I request a PROBABLE CAUSE HEARING.** I understand that the assessment offer will remain open until the conclusion of the Probable Cause Hearing.
- ☐ **4. I request an EXPEDITED PROBABLE CAUSE HEARING.** (Please describe reason for this request on separate sheet. Note, an offer of proof is required to show there is a complete defense to the charges that are the basis of the parole hold).
- ☒ **5. REJECT:** I reject the screening offer, give up my right to a probable cause hearing, and request a full revocation hearing.

- ☐ I intend to **admit** to the charges circled below. (Circle the appropriate charge numbers only; those not circled are presumed to be a plea of either deny or no plea):

Charges I Admit : 1 2 3 4 5 6 7 8

- ☐ I need the following ADA and/or foreign language accommodation for my hearing: _____

- ☐ **WAIVERS:** I give up my right to the following: (Select all boxes that apply)

- ☐ I give up my right to call any witnesses at my full revocation hearing.
- ☐ I give up my right to call my parole agent to attend my full revocation hearing.
- ☐ I need _____ more days to prepare. I give up my right to have a timely (probable cause/full revocation) hearing. (Circle one or both).

Signature of Inmate/Parolee	<input type="checkbox"/> Inmate/Parolee refused to sign/appear (circle one or both). Witness: _____	Date 1/2/08
Printed Name and Signature of Attorney <u>Laco Bey</u>	Telephone Number () _____	Date 1/2/08

NAME

CDC NUMBER

INST/REGION

BOARD OF PAROLE HEARINGS
STATE OF CALIFORNIA***PRIORITY CASE*****SUMMARY OF REVOCATION HEARING AND DECISION**

(BPH Rules, Chapter 6, Article 3)

Records Office Use Only

Projected Revocation Release Date

Revocation Release Date

Controlling Discharge Date

Discharge Review Date

PRELIMINARY INFORMATION

Type of Hearing REVOCATION	Location of Hearing R J DONOVAN RECEPTION CENTER Parolee in custody at Time of Hearing: YES
Basis for Charges Parole Violation Report, Dated: 01-OCT-2007 Police Report Agency Dated:	Optional Waiver NO Date Signed by Parolee: Date of BPH Action: Assessment:

Legal Data

The crime for which the parolee was committed to prison occurred on or before 12-31-1978: NO

The crime for which the parolee was committed to prison occurred on or after 1-1-1979: YES

Date of arrest on current parole violation charge(s): 19-SEP-2007

Date hold was placed on current parole violation charge(s): 20-SEP-2007

ADA Special Needs:

Present at Hearing

Hearing Officer: K BAKER

1. ☒ Yes ☐ No Parolee (If Parolee absent, Why?)
2. ☒ Yes ☐ No Attorney Name: JACOBY, J ☐ Waived
3. ☒ Yes ☐ No Agent of Record or Substitute: KEMP, ANDREA Reason not present:
4. ☐ Yes ☐ No Hearing Agent: Reason not present:
5. ☐ Yes ☒ No Observers Name and Organization:
6. ☐ Yes ☒ No Interpreter Assigned Language Name

Witnesses (continue on the last page if more than 8 witnesses)

Present		Name	Notified		Wit. Desig.**		Testified	Excused	If absent, state specific reason.
Yes	No		Meth.*	Date	Stat.	Req.			
X		OFFICER VASQUEZ	SP	10-OCT-07	A	S	X		
X		BELINDA MICHELE WILLIAMS	SP	10-OCT-07	A	S	X		

***NOTIFICATION METHOD**

M = Memo PC = Personal Contact
L = Letter SP = Subpoena
PH = Phone TT = Teletype

****USE ABBREVIATION FOR WITNESS DESIGNATION**

Status: A = Adverse Requested by: S = State
F = Friendly P = Parolee
V = Victim

NAME MATTHEWS, OLIVER	CDC NUMBER K39692	INST/REGION / AGENT CHULA VISTA 3 / 4 KEMP, ANDREA	HEARING DATE 19-OCT-2007
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BOARD OF PAROLE HEARINGS

STATE OF CALIFORNIA

SUMMARY OF REVOCATION HEARING AND DECISION**Preliminary Information (cont.)**

H. HEARING: Occurred

REASON:

Specify Witnesses/Documents needed for next hearing:

SUMMARY OF FINDINGS**ADMISSIONS/DENIALS AND FINDINGS**

Charges			Plea			Findings		
Charge Number	Code Number	Charge Specified	Admit	Deny	No Plea	Good Cause	Dismiss	Postponed
1.	225	Robbery (no weapon)		X		X		
2.	455	Battery spouse/child		X		X		

NAME
MATTHEWS, OLIVERCDC NUMBER
K39692INST/REGION / AGENT
CHULA VISTA 3 / 4
KEMP, ANDREAHEARING DATE
19-OCT-2007

BOARD OF PAROLE HEARINGS

STATE OF CALIFORNIA

SUMMARY OF REVOCATION HEARING AND DECISION**SUMMARY OF DISPOSITION**

Parole Referral: REFER

Custody Status: In Custody as of 20-SEP-07

☐ Continue on Parole ☐ Schedule for Revocation☐ Dismiss ☐ Other Non-Rev Sanction☒ Parole Revoked-Return to Custody: 10 monthsServe ☐ Consecutively ☐ Concurrently☐ Parole Revoked-Return to Custody: months for Psych Rx☐ Time Served: toHold Order: ☐ Place ☐ Remove**3057 Credits**☐ Eligible☒ Ineligible 3057d-1 Reason for Ineligibility:☐ Commitment Offense:☒ Revocation Offense: ATT ROBBERY☐ Parole Violation:☐ Sentenced under PC 1168:☐ Unsuitable for credits because of PC 3057(d)(2)(e)☐ Prior Criminal History☐ Circumstances & Gravity of Parole Violation

Specify Reason

Parolee Decision☐ Accept ☐ Reject ☐ Optionally Waive**Optional Waivers**☐ Previous BPH Action of _____ is:☐ Rescinded ☐ Reaffirmed**Special Conditions of Parole**☒ Noted ☐ Reaffirmed ☐ Amended**Other**

Special Condition

Reason

Instructions to CDCR or DAPO Staff**Miscellaneous Actions****BPH HEARING PANEL**

NAME:

NAME: 

DECISION REVIEW BY:

REVOCATION HEARING TIME (MINUTES)

1. Prehearing Prep. Time: 10

2. Actual Hearing Time: 65

3. Report Completion Time: 10

4. Other:

Total: 85Hearing Accommodations (ADA) Provided: ☐ Yes ☐ No

Accom:

NAME
MATTHEWS, OLIVERCDC NUMBER
K39692INST/REGION / AGENT
CHULA VISTA 3 / 4
KEMP, ANDREAHEARING DATE
19-OCT-2007

BOARD OF PAROLE HEARINGS

STATE OF CALIFORNIA

SUMMARY OF REVOCATION HEARING AND DECISION**REASON FOR DECISION****Basis for Conclusion:**

CHARGE # 1 : ATT ROBBERY : GCF : OFFICER VASQUEZ TESTIFIED THAT HE RESPONDED TO A FIGHT AND INTERVIEWED VICTIM WILLIAMS WHO TOLD HIM THAT SHE AND S WERE ARGUING ABOUT MONEY AS S WANTED \$50.00. SHE GOT OUT OF HIS VEHICLE AND S THEN GOT OUT THE VEHICLE AND GRABBED HER PURSE AND HANDBAG. VICTIM WILLIAMS WENT AFTER S AS HE WAS GOING BACK TO HIS VEHICLE AND TRIED TOM GET HER HAND BAG BACK. S GRABBED HER BY THE THROAT AND THREW HER TO THE GROUND. THE VICTIM WAS SCREAMING FOR SOMEONE TO CALL THE POLICE AND TRIED TO GET INTO S' VEHICLE TO PREVENT HIM FROM LEAVING. S THEN PUSHED HER OUT OF HIS VEHICLE. THE VICTIM SUSTAINED A BRUISED KNEE AND A SWOLLEN LIP FROM BEING PUSHED TO THE GROUND AND KICKED OUT OF THE VEHICLE. VICTIM WILLIAMS TESTIFIED THAT SHE DIDN'T REMEMBER WHAT HAPPENED THAT DAY OR WHAT SHE TOLD THE POLICE. SHE STATED SHE WAS MAD AND DOESN'T REMEMBER S GRABBING HER OR PUSHING HER TO THE GROUND OR PUSHING HER OUT OF THE VEHICLE. SHE FURTHER STATED THAT SHE DOESN'T THINK S EVER GOT HER PURSE OFF HER ARM. S STATED THAT THE VICTIM IS A DIABETIC AND SHE WAS HAVING PROBLEMS. HE TRIED TO STOP HER FROM GOING AWAY AND HE GRABBED HER ARM AND SHE FELL OFF THE CURB. S STATED HE WAS JUST TRYING TO TALK TO HER.

CHARGE # 2 : BATTERY ON SPOUSE : GCF : (SEE ABOVE)

Basis for Disposition:

C/O PT/W PRIOR 2ND TERMER PD 7/15/04
 CRIMINAL HISTORY BURG 1ST AND POSS CS
 PRIOR VIOLATIONS USE OF COCAINE, POSS OF COCAINE
 S HAS A HISTORY OF DRUGS AND PROPERTY CRIMES. S HAS FAILED TO ABIDE BY THE LAW BY BEING INVOLVED IN FELONIOUS ACTS. ALTERNATIVE SANCTIONS HAVE BEEN CONSIDERED AND DEEMED TO BE INAPPROPRIATE DUE TO PUBLIC SAFETY CONCERNS. IN THE INTEREST OF PUBLIC SAFETY A RTC IS ORDERED:
 RTC 10 MONTHS INELIGIBLE.

NAME
MATTHEWS, OLIVER

CDC NUMBER
K39692

INST/REGION / AGENT
CHULA VISTA 3 / 4
KEMP, ANDREA

HEARING DATE
19-OCT-2007

BOARD OF PAROLE HEARINGS

STATE OF CALIFORNIA

SUMMARY OF REVOCATION HEARING AND DECISION

V. OBJECTIONS

☒ None ☐ Yes

NAME
MATTHEWS, OLIVER

CDC NUMBER
K39692

INST/REGION / AGENT
CHULA VISTA 3 / 4
KEMP, ANDREA

HEARING DATE
19-OCT-2007

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

SUMMARY OF PAROLE ADJUSTMENT

* CDC 1521-B (1/91)

ATTACH LEGAL STATUS SUMMARY

CDC NUMBER K39692	NAME (LAST, FIRST, MI) MATTHEWS, OLIVER	DATE OF REPORT 09-30-07
PRIOR COMMITMENT(S)		
OFFENSE TITLE(S) Burglary 1 st / Possession of Controlled Substance	CODE SECTION(S) PC459/HS11350	DATE(S) OF COMMITMENT 02-20-97
SPECIAL CONDITION(S) OF PAROLE	INITIAL PAROLE DATE 07-15-04	LAST REV. REL DATE (RRD) 02-21-06

ANT
NO CONTACT WITH VICTIMS

RESIDENCE		
LAST KNOWN ADDRESS 223 W. 49 TH Street SAN DIEGO, CA	LIVING WITH OLIVER MATTHEWS SR.	RESIDENTIAL PATTERN STABLE
MEANS OF SUPPORT		
SOURCE OF SUPPORT UNKNOWN	IF EMPLOYED, EMPLOYER'S NAME & BUSINESS ADDRESS -	DATES EMPLOYED FR: - TO: - - -
		POSITION HELD -

EVALUATION - Cover the period from date of last release to current report. Include positive and negative factors of this release and community programs available in lieu of revocation, e.g. drug programs, psychiatric in-patient or out-patient, etc.

Oliver Matthews is a 43 year old Second-Term committed to the California Department of Corrections for the offense Petty Theft with a Prior. He received a thirty two month term.

His criminal history consists of convictions for Appropriate lost Property, Assault on a Peace Officer, Use of a Controlled Substance, Transport/ Sell Controlled Substance, Burglary 1st, Possess Control Substance Paraphernalia, Possess Controlled Substance, Theft, and Petty Theft with Prior.

Matthews parole adjustment to this date has been positive. He has reported as instructed with no violations. The present charges are serious and warrant a return to custody.

PAROLEE'S NAME MATTHEWS, OLIVER	CDC NUMBER K39692
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JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of identifying the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

I (a) PLAINTIFFS

Oliver Matthews Jr.

K. Baker

FILED
JAN - 2 2008
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

2354 1983
FILING FEE PAID
Yes No
BPP MOTION FILED
Yes No
COPIES SENT TO
Court Pro

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Oliver Matthews Jr.
PO Box 799001
San Diego, CA 92179
K-39692

ATTORNEYS (IF KNOWN)

'08 CV 0011 JLS PCL

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of this State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removal from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 1/2/2008

SIGNATURE OF ATTORNEY OF RECORD

R. MULLIN